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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,701	03/17/2004	Christopher W. Blackburn	1842.029US1	3790
70648 7590 07/25/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/WMS GAMING P.O. BOX 2938 MINNEAPOLIS, MN 55402				
			EXAMINER PINHEIRO, JASON PAUL	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 07/25/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/802,701

Applicant(s)

BLACKBURN ET AL.

Examiner

Jason Pinheiro

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05/07/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 05/07/2007
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. After the amendment filed on 05/07/2007, Claims 1, 12-13, 15, and 24 were amended. As a result claims 1-24 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto et al (US 6916247) in view of Abrams, JR. et al (US 2003/0208638).

Gatto '247 discloses a method and system for providing a service in a gaming network including gaming machines (Col. 2, Lines 37-45); publishing the availability of the service on the gaming network (Col. 13, Lines 64-67) (Fig. 19); discovering by a client the availability of the service (Col. 14, Lines 2-5) (Fig. 20); processing one or more service requests between the client and the time service (Col. 14, Lines 21-24), said service requests conforming to an internetworking protocol (Col. 15, Lines 9-13); that the service comprises a web service (Col. 15, Lines 49-56); that the service request is formatted according to a service description language, that the service description language is a Web Services Description Language (WSDL), that the service is registered in a UDDI

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registry (Col. 15, Lines 33-67); registering by the time service with a discovery agent (Col. 13, Lines 60-67); that the service is a local service in the gaming network (Col. 14, Lines 33-55); that the service is provided at a well known location, the well known location comprises a TCP/IP address and port (Col. 3, Lines 20-24); that the well known location comprises a message queue (Col. 15, Lines 63-67); that the client comprises a gaming machine on the gaming network (Col. 2, Lines 37-45); and that the client comprises a service provider on the gaming network (Col. 2, Lines 37-45). However, Gatto does not disclose that the service is a time service; returning a current time to the service provider; and acquiring by the time service a current time from a time server.

Abrams '638 does disclose that the service is a time service, returning a current time to the service provider, and acquiring by the time service a current time from a time server (Pg. 15, Para. 152, Lines 1-22).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate Abrams' time service into Gatto's game system to create a more reliable network gaming system.

### ***Response to Arguments***

4. Applicant's arguments, see "Remarks", filed 05/07/2007, with respect to the objections to the drawings and the specification have been fully considered and are persuasive. The objections of the drawings and the specification have been withdrawn.

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5. Applicant's arguments, see "Remarks", filed 05/07/2007 with respect to the rejections of claims 1, 13, 15, and 24 under 35 USC § 112 second paragraph have been fully considered and are persuasive. The rejections of claims 1, 13, 15, and 24 under 35 USC § 112 second paragraph have been withdrawn.

6. Applicant's arguments filed 05/07/2007, pertaining to the rejection of claims 1-24 under 35 USC § 103(a) have been fully considered but they are not persuasive. Applicant states on pages 8-10 of the "Remarks" that Gatto performs in the opposite manner from the claimed invention. However, Gatto (Col. 16, Lines 5-11) discloses that the roles of the service provider and of the specialized device can be switched thereby performing the same operations as those claimed by the applicant. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the suggestion to combine can be found in Gatto '247 (Col. 2, Lines 25-28): "to overcome the lack of stability of the prior art", i.e. *to create a more reliable network gaming system*.

### ***Conclusion***

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7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

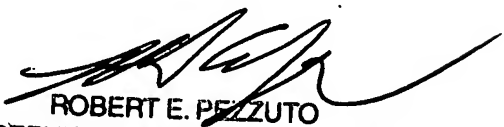
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Pinheiro whose telephone number is 571-270-1350. The examiner can normally be reached on M - F 8:00 AM - 4 PM;.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP  
07/13/2007



ROBERT E. PEZZUTO  
SUPERVISORY PRIMARY EXAMINER